A BRIEF ACCOUNT CONCERNING Several of the AGENTS OF New-England, THEIR NEGOTIATION at the COURT OF ENGLAND:

WITH

Some REMARKS on the NEW CHARTER Granted to the Colony of *MASSACHUSETS*,

SHEWING.

That all things duely Considered, Greater Priviledges than what are therein contained, could not at this Time rationally be expected by the People there.

LONDON, Printed in the Year 1691.

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I May rationally ſuppoſe that an Account of my Negotiation in *England*, where I have been attending the great Affair of *New-England* for more than Three Years, will be expected from me.

When I began my Voyage from *Boſton* for *London* (which was in *April*, 1688.) *New-England* was in a very deplorable Condition. He that was then Governour there, acted by an Illegal and Arbitrary Commiſſion; and invaded Liberty and Property after ſuch a manner, as no man could ſay any thing was his own. Wiſe men believed it to be a neceſſary Duty to uſe all Lawful means to obtain ſome Relief and Remedy againſt thoſe growing Evils. This could not be done, without firſt acquainting him who was then in the Throne, with the miſerable State of his Subjects in that Territory. No man of common Prudence could be inſenſible of the Hazard and Danger that would attend his Perſon and Family, in appearing at Court as a Complainant againſt a Governour that was King *James* his Creature.

Nevertheless, being encouraged by many of the principal Gentlemen in *New-England*, I resolved to venture, tho I perished in the Attempt, rather than to see my Countrey ruin'd.

In *June* following, I had the favour of waiting on the late King: I must acknowledge he was very kind and Obliging in his Expressions, giving me Liberty of Access in private to him whenever I desired it; seeming to wonder at the things I acquainted him with, and professing that no man in the World should be more ready to relieve the People Interceded for, than he would. Notwithstanding which, nothing was done for them all that Summer. And indeed, good words were as much as any one under my Character had reason to expect in King *James* his Court.

At the time of the happy Revolution in *England*, (being introduced by the Right Honourable my Lord *Wharton*, of whose kindness all *New-England* has cause to be sensible, his Lordship having upon all Occasions concerned himself for them) I made my humble Addresses to his present Majesty (then *Prince* of *Orange*) in behalf of that Countrey. There was a Circular Letter drawn up to be sent to all the Plantations, and in particular to *New-England*, to confirm those Governours in their Places till further Order. Mr. *Yeamson* (the then Princes Secretary) shewed me the Letter. I assured him that *New-England* would be undone, if that Letter should come to them: Within a few dayes he told me that he had acquainted His Highness with what I said to him: Who had thereupon Ordered him not to transmit that Letter to *New-England*; But to all the other Plantations where there were Protestant Governours. This was certainly an happy turn for *New England*. How would their Oppressors have insulted over them, had such a Letter come into their hands! I knew that whilest that People enjoyed their Old Charter they prospered wonderfully: But that since they were deprived of the Privileges therein contained, their ruine were multiplyed; and that the Inhabitants were generally desirous of being resettled as in the days of Old: for which cause I resolved to do what was in me that it might be so.

Whenever I had the Honour of ſpeaking to the King, whether at *White-Hall*, *Hampton-Court*, or *Kenſington*, I ſtill mention'd the Charter, and always found that the King (although he judged it would be for the Advantage of *New-England*, to have a Governor Commiſſion'd by his Majeſty, yet that he) was graciouſly inclin'd to Reſtore Charter-Priviledges unto his Subjects in that Territory. Once, at *Hampton-Court*, his Majeſty was pleaſed to bid me reſt aſſured, that it ſhould be ſo, if it were in his Power to cauſe it to be done. I adviſed with many wiſe Men about this momentous Affair, whoſe Judgment was, That the beſt, and moſt effectual Courſe would be, to endeavour a *Reverſion of the Judgment* againſt the Charter of the *Maſſachuſets*, by an Act of Parliament; and after that, to Petition the King for ſuch additional Priviledges as ſhould be thought needful. I prayed Sir *Henry Aſhurſt*, whom I knew to be a worthy Member of the Convention (as well as of this preſent) Parliament, to concern himſelf for the good People in that Country: Which he did without much Intreaty, being of himſelf forward to do Good: Nor is it poſſible for *New-England* ever duely to Recompenſe him for his ſincere Intentions, and aſſiduous Endeavours to ſerve them. We both of us ſpake to many of the principal leading Men in that Parliament: The Iſſue of which, was, The *Commons of England* Voted the Taking away the *Charters* belonging to *New-England* (as of thoſe in *England*) to be Illegal, and a Grievance, and that they ought to be Reſtored. A Bill was drawn up accordingly, which Paſſed the *Houſe of Commons*, and was ſent to the *Houſe of Lords* for their Concurrence, on *January* the Tenth, 1689. A great Intereſt, in behalf of *New-England*, had been made amongſt the Lords; but that Parliment being unexpectedly Prorogu'd and Diſſolv'd, a whole Year's *Siſyphean Labour* came to nothing.

When this preſent Parliament met, it was, for ſome Reaſons, thought not adviſeable to trouble them with the Affair of *New-England*. Some Eſſays were then made, to ſee if by a *Writ of Error in Judgment*, the Caſe relating to the *Maſſachuſets* might be brought out of *Chancery* into the *Kings-Bench*. But an unexpected Providence rendred an Attempt of that Nature vain. Never did I ſee a more ſignal Hand of Heaven in any Matter,

Matter, than in Disappointing all Designs, and Frustrating all Hopes for Obtaining the so much desired full *Restauration* of all Charter-Priviledges, by a *Reversion* of the Judgment entred against them. There was now but one way left for the Settlement of *New-England*, &c. To implore the King's Royal Favour.

It was not in the King's Power to Reverse the Judgment against the Old Charter; nevertheless, his Majesty had Power to Re-incorporate his Subjects, thereby granting them a New Charter, which should contain all the Old, with New, and more Ample Priviledges.

This, Three of the *Agents* of the *Massachusets Colony* Petitioned for; the Right Honourable the Earl of *Monmouth* condescending to deliver that Petition with his own Noble Hand. After which, through the Intercession of a Great and Worthy Personage, the King was graciously pleased to refer the Affair of *New-England* to the Consideration of the two Chief Justices, with his Majesty's Attorney, and Sollicitor-General. They Four met three or four times; They were so kind as to give me leave to be present with them at all their Consultations. The Heads of the Charter belonging to the *Massachusets Colony*, and of that granted to Sir *Ferdinando Gorges*, were presented in Writing, together with what additional Priviledges we did at present pray for. They all thought there was nothing Unreasonable or Prejudicial to the King's Interest in what was requested. These things were presented to the King by my Lord Chief Justice *Hale*. The King ordered him to present them to the Council; which was done on the First of *January* last; when they were referred to the Consideration of the Right Honourable the Lords of the Committee for Foreign Plantations.

Immediately upon this, the King began his Royal Voyage for *Holland*; until whose Happy Return nothing could be effected as to the Settlement of *New-England*. In the mean time, I drew up several Reasons for the Confirmation of Charter-Priviledges granted to the *Massachusets Colony*; which I dispersed among

among the Lords of his Majesty's most Honourable Privy-Council; and did particularly address my self to the greatest part of them, humbly praying their Lordships Favour to *New-England*, in a Matter which seemed so Just and Equitable: And had assurance from many of them, that whenever the Affair of *New-England* should come before the Council-Board, they would do what in them was, that *Ancient Rights and Priviledges might be Restored.*

Moreover, a Noble Personage did me the Honour to introduce me to the Queen, that so I might have an Opportunity to sollicit Her Majesty's Royal Favour towards her Subjects in *New-England*. I assured her Majesty, That there are none better affected to their Majesties Government, and that on that account they had been exposed to the Rage of the *French*, and other Enemies to the present Government in *England*; and that the King having referred the Consideration of the Affair of *New-England* to the two Chief Justices, with the Attorney and Sollicitor-General; we only prayed, that what they thought was reasonable, might be granted to us.

The Queen graciously replied, That *that was a reasonable Request, and that she hoped it would be done for us, only it could not be done but by the Council.* Her Majesty moreover assured me, That she had divers times spoken to the King in behalf of *New-England*; and that, *for her own part, she desired that that People might not only have what was* Just *done for them, but that something of* Favour *might be shown to them.*——— I the rather mention this, that so all *New-England* may be excited to Pray for so Gracious a *Queen.*

When the *King* returned to *England*, he stayed not there above a Fortnight: In which time I had twice the Honour to wait on his Majesty in behalf of *New-England*. The First time I only delivered the last *Address* from the *General-Court* at *Boston*, *viz.* that of *Decemb.* 16. 1690. and a *Petition* from many Merchants in *London*, praying, That Charter-Priviledges might be restored to *New-England*; and that some Frigats might be sent for the Security of those Coasts. The Second time, I humbly

bly prayed the Continuance of his Royal Favour to his Subjects in that Territory. The King was then pleased to ask me, What I would have to be done for *New-England*? "I humbly put his Majesty in mind of our Old Charter Privi-"ledges: And that if they should, by his Royal Favour and "Goodness, be restored, that would make his Majesty's *Name* "Great in those Ends of the Earth, as long as the World "should stand: That none of his Subjects prayed more for "his Royal Person, and for the Success of his Arms, than they "did: That they were all of them Protestants, and that they "differed in lesser Matters from some others, being of those that "were called *Presbyterians*, and *Congregational-Men*: That his "Majesty, in his great Wisdom, had considered the Circum-"stances of *England*, and the Circumstances of *Scotland*: That, "according to his Royal Wisdom, he would consider the Cir-"cumstances of *New-England* also; and that such Rulers "would not be agreeable to them, as were very proper to "the other *English Plantations*." The King replied to me, That within two or three days he expected a *Report* from the Committee of Lords, for *Foreign Plantations*, and that he should then see what could be done.

Two days after this, (*viz.* on *April* the 30*th.* 1691.) it was by the Lords of the Committee proposed to the King, Whether he would have the People in *New-England* make what Laws, and appoint what Officers They pleased? Or, Whether He would not appoint a Governour of his own, who should have a Negative Voice on all Acts of Government? The King was very inquisitive to know whether he might, without any Breach of Law, set a Governor over that Colony: (For we have a King now that will not Act contrary to Law.) The *Lord Chief Justice*, and some other of the Council, answer'd, That whatever might be the Merit of the Cause, inasmuch as the Charter of *Massachusets Colony*, in *New-England*, stood vacated by a Judgment against them, it was certainly in the King's Power to put them under what Form of Government he should think best for them. The King then said, That he was desirous to promote the Welfare of *New-England*, as well as of *England*; and that he believed it would

would be for the Good and Advantage of his Subjects in that Colony, to be under a Governour appointed by himself: Nevertheless, That he would have the Agents of *New-England* Nominate a Person that should be agreeable to the Temper and Inclinations of the People there; only that, at this time, it was necessary that a Military Man should be set over them: and that this notwithstanding, he would have Charter-Privileges Restored, and Confirmed to them.

The next day, the King began his Second Royal Voyage for *Holland*; but an *Order of Council* was drawn up, intimating, That it was the King's Pleasure to have a Governour of his own Appointing sent to *New-England*, who should have a Negative Voice in all Acts of Government: And, That the *Massachusets Colony* should be settled on the same Foundation with *Barbadoes*, &c. And that a Charter should be prepared accordingly. As soon as I had a Copy of this *Order of Council*, I went with it to four or five of the Lords of His Majesty's most Honourable Privy Council; Every one of which, said, That as it was worded, it did not (in their Opinion) agree with the King's Expressions or Intentions. Moreover, I caused a Copy of this Order to be transmitted to my Lord *Sidney*, one of his Majesty's Principal Secretaries of State, then with the King in *Flanders*; praying, That if that Order, Signed by one of the Clerks of the Council, was not according to the King's Mind, His Majesty would graciously please to signifie his Dis-approbation thereof: But no such Signification ever came.

The Attorney-General, in the mean time, prepared a Draught of a Charter, according to what he took to be the King's Mind, as expressed when his Majesty was last in Council. In that Draught, the Free men (and not all Free-holders,) had Power to Chuse the Deputy-Governour, and the other General Officers; And the King's Governour had not a Negative Voice allowed him in any Case.

This Draught was presented at the Council-Board, on the Eighth Day of *June* last; when it was by some objected, That

by such a Charter as this, the King's Governour would be made a *Governour of Clouds*; and Order was given to prepare new *Minutes*, or *Heads*, for another Draught: Which indeed made the Charter designed to be *no Charter of Incorporation*, and did deprive the *Massachusets* of some Essential Priviledges in their former Charter. When those *Minutes* were agreed on by the Lords, the Secretary of the Committee gave me a Copy of them; with an Order from their Lordships, That if the *Agents* of the *Massachusets Colony* were not satisfied therewith, they should bring in their Objections to Mr. Attorney-General. I shewed the Order to the other *Agents*. Sir *Henry Ashurst* went with me to the Attorney-General. I expressed my Dissatisfaction, perhaps, with a greater *Parbos* than I should have done, earnestly protesting, that I would sooner part with my Life, than *Consent* to the *Minutes*, or any thing else that did infringe any Liberty or Priviledge of Right belonging to my Countrey. The like I said to some Ministers of State: Who replied, That our *Consent* was not expected nor desired: For they did not think the *Agents* of *New-England* were *Plenipotentiaries* from another Sovereign State; but that if we declared we would not submit to the King's Pleasure, his Majesty was resolved to settle the Countrey, and we must take what would follow.

I drew up some Reasons against the *Minutes* proposed; Sir *Henry Ashurst* joyned with me therein; we argued, That the King had graciously promised a Restoration of Charter-Priviledges to *New-England*; and that Charter-Priviledges might with as much and more reason be with-held from any, or all the Corporations in *England* which were never legally Restored, as from *New-England*; with several other Arguments too large to be here inserted. These Reasons we delivered in Writing to the King's Attorney-General, who presented them to the Lords at the Council-Board. I likewise caused a Copy of them to be sent over to the King in *Flanders*. Moreover, some Great Ones at Court wrote to several of the Ministers of State who were with the King, entreating them to use their Interest with his Majesty, that nothing might be Imposed on *New-England*, which would be grievous to his good Subjects there.

Some were apt to think, that if the King were in *England*, we might

might prevail with his Majesty to signifie his Disallowance of those *Minutes* which were so grievous to us; and that therefore it might not be amiss to write to the King in *Flanders*, praying that a stop might be put to any further Proceedings about the Charter, until his Majesty's happy Return to *England*. I desired a Great Person (whom I knew the Queen had an high Esteem of) to pray her Majesty to write to the King, That he would graciously please to Command that the Charter should Pass, as drawn up by the Attorney-General; or else that it should be Deferred until his Majesty's coming. The *Queen* was so kind as to do this for *New-England*. I now concluded that nothing more would be done for some Months.

By continual Attendance on this arduous Affair, I had broken my Natural Rest, and neglected my Necessary Food, insomuch that my Health was greatly impaired: Physicians advised me to recede into the Countrey, and use Mineral Waters for my Recovery.

Before I had been there long, I had (and was surprized at it) notice that the King had signified his Approbation of the *Minutes* which we were so much concerned about; and that it was his Royal Pleasure that *New-England* should be forthwith settled accordingly.

Likewise, a very great Man, and a great Friend of *New-England*, desired a Person of Quality to advise me to take up with what was proposed; withall adding, that if the King were in *England*, as Matters were now circumstanced, nothing more or better could be expected. I immediately returned to *London*.

His Majesty's Principal Secretary of State assured me, that he had received such a Signification of the King's Pleasure as has been mentioned; and was pleased to let me see the Letter, wherein it was expressly declared, not only that the King did approve of the *Minutes* agreed unto by the Lords of the Committee, but that he did *by no means approve* of the *Objections* which the *Agents* of *New-England* had made against them.

We then resolved however to get as much Good, and prevent as much Hurt to the Countrey as possibly might be. A Petition was Signed by Sir *Henry Ashurst* and my self, praying, That no Property belonging to that Colony, or to any therein, might by the *New Charter* be taken from them, nor any Privileges which

they had a Right unto: That the *Province* of *Main* might be Confirmed: *Nova Scotia* added to the *Massachusets*: And, That *New Hampshire* might be put under that Government. As to what concerns *Hampshire*, we were told, the People there desired to be under any Government in the World, rather than that of *Massachusets*. Great Opposition was made against what was proposed concerning the *Province* of *Main*, but at last it was granted, and *Nova Scotia*, so far as in the Charter is expressed. Just at this time, Letters came to my hand from *Plymouth Colony*, giving me the Thanks of the General Court there, for that I had prevented their being annexed to *New-York*, (which was by some Persons of Interest designed above a Year ago:) And intimating, That the generality of People there desired to have a distinct Charter, and be confirmed as a distinct Government amongst themselves: But if that could not be obtained, that then, for the Lord's sake, I would endeavour that they might be united to *Boston*, rather than to *New-York*.

When I understood the Charter was finished, and had been read before the Lords, I prayed that I might see it, and carry it to Councel; because there might be some Clauses in it which their Lordships might have such Reasons suggested to them, as they would think meet to expunge them, or to add some Particulars which might be Beneficial to his Majesty's Subjects in that Colony, and no ways Prejudicial to the King's Interest, nor yet inconsistent with those *Maximes* which they would not suffer to be contradicted. This Request was granted, only I must return the Copy within a few days: An Eminent Councellon perused it two or three times, and made his *Remarks* on it.

That Phrase of *Corporal Oath* was altered, that so no Snare might be laid before such as Scruple Swearing on the Book. A Clause was added, Confirming Grants made by the General Court, notwithstanding any defect that might attend the Form of Conveyance, that so Mens Titles to their Lands might not be invalidated, only for that the Laws which gave them their Right, had not passed under the Publick Seal in the time of the former Government. Some other Alterations we prayed for, but we could not obtain them.

The Question now, was, *Whether we should submit to this New Settlement? Or, in hopes of obtaining a Reversion of the Judgment against*

against the Old Charter, signifie to the Ministers of State, that we had rather have no Charter at all, than such an one as was now proposed to acceptance? I knew that in the *multitude of Councellors there is safety*, and did therefore advise with many, and with Persons Unprejudiced, and of the greatest Wisdom and Ability to judge; with Noblemen, Gentlemen, Divines, and Lawyers: They all agreed, that it was not only Lawful, but, all Circumstances considered, a *Duty* to submit to what was now offered. Some said, They were very weak Men, and unfit to appear as *Agents* for a *Colony*, that should make any Question of it. Others said, That a peremptory Refusal would bring not only a greater Inconvenience, but a fatal Ruine on *New-England*; and then Mankind would lay the blame on the Weakness and Wilfulness of the *Agents*, who when they could not have what they would, ought to submit to what they could get. The Opinion of the Lawyers, was, That such a Passive Submission was not a Surrender, inasmuch as nothing was done under Hand and Seal: Nor could there be a Surrender in this case, since Judgment was already Entred and Recorded against the Old Charter: Nor were the *Agents* capable of Surrendring, as not being *Plenipotentiaries*; and that their taking up with this, did not make the People in that Colony, in Law, uncapable of obtaining all their Old Priviledges, whenever a favourable Opportunity should present it self; for the World knew, that in a present parting with any of their ancient Rights, they were forced to yield unto Necessity. I remember, an Honest Lawyer, and a Well-wisher to *New-England*, told me, That if we were put to our Choice, whether to enjoy our *Old Charter* (which he was well acquainted with) again, just as it was, or to take up with this, (all things duely considered,) we were not wise if we did not chuse *this* rather than *that*. It was considered, That a Judgment (right or wrong) not in Court of *King's-Bench*, but in *Chancery*, standing on Record against the *Charter* of the *Massachusets*, whereby it was vacated and annihilated, *that* Colony was fallen into the Kings Hands; so that he might put them under what Governours, or what Form of Government he should please. Their *Agents* might beg for a full Restitution of all Ancient Priviledges, but they might not either Chuse or Refuse as they should seem best. It was considered, That there was no probability of obtaining a Reversion of the

Judgment

Judgment against the former Charter. We saw it was in vain to attempt to bring it out of *Chancery* into the Court of *King's Bench*. There were thoughts of bringing the Matter into the *House of Lords* by a Writ of Error in Judgment; but it was believed that no *Counsel* would now venture to Sign a Writ of Error; and that if he should, the *Lords* would not be forward to concern themselves in this Affair.

Although the Archbishop of *Canterbury* that now is, and many of the present Bishops, are Friends to *New-England*, (as well as to all good Men,) and I have cause to acknowledge the personal Respect I have received from many of them: And although a great Interest has been made for *New-England* amongst the Temporal Lords; nevertheless, when they should understand that the King was desirous to have that Countrey put under another Form of Government, which his Royal Wisdom judged would be better for them than what they formerly enjoyed, the Lords would be very slow in doing any thing that they knew would be disagreeable to his Majesty. And if they should see cause to take the Case of *New-England* into their Consideration, though they would not Justifie the manner of Proceedings; yet when they should hear all that was to be Objected against the Governour and Company, on the Account of their having exceeded the Powers of their Charter in several Particulars, and in a very high degree, they would certainly judge that they had merited a Condemnation thereof. It was also Considered, That the Old Charter was, in more respects than one, very defective: For by that, the *Governour* in *New-England* had no more Power than *Corporations in England* have. But those Corporations have not Power in *Capital Cases*. Both the Judges and Eminent Lawyers have offered me, that though Power was given to Corporations in *General*, except *Capital Cases* be particularly expressed, their Power does not reach so far: Nor was there any thing in the Old Charter concerning an *House of Deputies*, or *Assembly of Representatives*: Nor had the Governour and Company Power to impose Taxes on the Inhabitants: Nor to Erect *Courts of Admiralty*, &c. The King's Attorney-General (who is no Enemy to *New-England*) declared the two Chief Justices, and Solicitor-General, concurring with him, That supposing the Judgment against the Charter of the *Massachusetts* to be Reversed, if the Government

vernment should exert such Powers as before the *Quo Warranto* against their Charter they had done, there would now be a Writ of *Scire facias* issued out against them in *Westminster-Hall*, and their Charter-Priviledges would undoubtedly be taken from them. And it was Considered, That if the Judgment against the Old Charter had been Reversed by *All of Parliament*, the *Massachusets Colony* would, for all that, have been in a far more miserable Condition than by the present Settlement they are reduced unto: For then the *Province of Main*, as to Government, would have been taken from them, since Government is a Trust that cannot be sold; and *Hampshire* (which would have been made to extend as far as *Salem*,) and *Plymouth*, would have been put under a Governour sent from *England*; which Governour would have had the Command over the Militia, and the Power of Admiralty, *&c.* in the *Massachusets Colony*: So that, in fine, *Boston* would have been deprived of Trade, and the whole Colony made very insignificant: And if they had exerted Powers necessary for the Supportation of their Government, perpetual Complaints would have been made against them. It was moreover Considered, That if the Agents of that Colony had signified to the Ministers of State, that they had rather have no Charter at all, than this which the King was pleased to grant to them, the Consequence would have been, that they should have had a Governour wholly a Stranger to *New-England*, and a Deputy-Governour not acceptable to the People there; and many of his Councellors Strangers, and others of them such as were *Andros*'s Creatures; and that this Governour should have had the same Power which the Governours in other Plantations have, to Appoint the General Officers. They are very weak Men that doubt of this; and if they will look no further than their Neighbours at *New-York* and *Virginia*, they may see Demonstrations before their Eyes sufficient to convince them. It was likewise Considered, That some Persons in *London* were endeavouring to get a *Patent* for all *Mines, Minerals, Gums, &c.* in *New-England*: Which Design was, of late, likely to have taken effect, only the New Charter has most happily prevented that which would have been of pernicious Consequence to all that Territory. It was further Considered, That by this *New Charter* great Priviledges are granted to the People in *New-England*, and, in some Particulars, greater than they formerly enjoyed: For all

English

English Liberties are restored to them: No Person shall have a Penny of their Estates taken from them, nor any Laws imposed on them, without their own Consent by Representatives chosen by themselves. Religion is secured; for Liberty is granted to all Men to Worship God after that manner which in their Consciences they shall be perswaded is the most Scriptural way. The General Court may by Laws Encourage and Protect that *Religion* which is the general Profession of the Inhabitants there. They may still have *Judges, as at the first*; and *Councellors, as at the beginning*, if the fault be not their own. As long as their Principal Magistrates, Judges, Justices of the Peace, are such as will encourage Vertue and Piety, and punish Vice, Religion will flourish: And if they have not such, the fault will not be in the *New Charter*, but in themselves, since no bad Councellor, Judge, or Justice of the Peace, can now be Imposed on them. These things are as a Wall of Defence about the Lord's Vineyard in that part of the World. The General Court (now that the *Massachusets Colony* is made a *Province*) hath, with the King's Approbation, as much Power in *New-England*, as the King and Parliament have in *England*; which is more that could be said in the time of the former Government there, which had only the Power of a Corporation. The General Court has now Power to Impose Taxes upon all the Inhabitants, and to make Laws which shall Incorporate Towns, or Schools of Learning, &c. which by the First Charter they had not Power to do. That Countrey may now expect Protection and Assistance from *England*, as the Matter shall require, more than formerly. And although there are some things in this *New Charter* which are not desirable, yet nothing that is intolerable. Take it with all its Faults, and it is not so bad, but that when I left *New-England*, the Inhabitants of that Territory would gladly have parted with many a Thousand Pound to have obtained one so good. The great fear is, that though at present there be a good Governour (appointed by the King,) who wisheth well to *New-England*; yet he will quickly be removed, and perhaps an Enemy come in his room. But I am morally certain of it, that if they hearken to the Advice of their best Friends, no Person not agreeable to *New-England*, in respect of Religion, and the Temper of that People, will be set over them, during their present Majesties Reign, whom the God of Heaven send long to Live and Reign.

Yet

Yet suppose it should be otherwise: Suppose a Person as bad as *Andross* (and the *New-Englanders* think there can hardly be a worse,) should come amongst them, What can he do? He cannot without the Consent of the Council Chosen by the Representatives of the People, appoint a Sheriff to pack Juries to serve his turn; nor Judges that will act against their Consciences, rather than displease him. Nor can he now send Men out of the Countrey, without their own consent. Nor can he and his Creatures make Laws, or Leavy Taxes; nor Invade any Man's Property, under pretence that it is the King's; and that they must come to him for Patents, that so they may have a true Title to their Lands and Estates. Nor can he, without violating the *Magna Charta* of *New-England*, disturb any Man for his Religion. The King's Governour has a Negative Voice in all Acts of Government; which may be thought a great Infringement of the Peoples Liberty; and indeed, makes the Civil Government of *New-England* more *Monarchical*, and less *Democratical*, than in former Times. Nevertheless, *the People have a Negative on him.* In which respect, *New-England* is by this Charter more privileged than *Ireland*, and than any English Plantation whatsoever, or than they that live in *England* it self are. Appeals to *England* are allowed of by this *New Charter*; but only in *Personal* (not in Real or Mixed) *Actions*, where the matter of difference is above Three hundred Pounds Sterling in value. So that as to Titles of Land there cannot be any Appeal to *England*, but those Controversies are to have a final Determination in Courts of Judicature amongst themselves. And Laws Enacted by the *General Court*, are to be transmitted to the King for his Royal Approbation: Nevertheless, those Laws, when made, are to be in force as soon as made, until such time as disallowed of by the King: And if within the space of Three Years the King's Disapprobation be not signified, those Laws are to be Perpetual, except by the General Court they shall be Repealed. By the Old Charter, the Governour and Company might not make any Laws contrary to the Laws of *England*: And such reasonable Laws as are not contrary thereto, will no doubt be Confirmed by his Majesty, if the People in *New-England* be not wanting to themselves as to due Endeavours that it may be so. All these things duely considered, the Best and Wisest Men in *England* thought that the

Persons who were concerned for *New-England*, would do an ill Service for their Country, if they should peremptorily decline a Submission to this Settlement, and thereby bring upon themselves that which would be more undesirable.

I must beg leave (for it is a Truth) to say this further, That whereas the People in *New-England* have not obtained all the Charter-Priviledges which they have at several times Petitioned Their Majesties for; they have more reason to blame themselves, than those of their Agents, who did their utmost to procure every thing for them which they prayed for. Had they at the time of the *Revolution*, entred upon the *full Exercise of their Old Charter-Government*, and then humbly signified to the King that they had so done; and that they were perswaded, His Majesty, who declared, when Prince of *Orange*, That Charters and Ancient Priviledges should be restored to the English Nation in general, would not be offended at them on the account of their adhering to what was their undoubted Right; wise Men are of Opinion that they might have gone on without disturbence, until such time as new Complaints should be exhibited against them, on the account of doing things which by their Charter they were never impowered to do. But in an Address to the King, they assure his Majesty, That *they had not entred upon the full Exercise of their Charter-Government; but that not having received Directions from* England, *which they humbly waited for, they entred upon the Government for the Preservation of the Peace, until such time as they should receive an Orderly Settlement from* England; *which they prayed might be according to their Old Charter, that had been unrighteously taken from them.*

Now when wise Men in *London* saw this: Will you (said they) who are Agents for the *Massachusets Colony*, refuse to submit to a Settlement of your Government from *England*, when your Principals have signified to the King that they will do it? Who gave you that Power of Refusal? Has the General Court, in an Address to the King, declared, They have not entred on the full Exercise of their Charter-Government, but that they wait for the King's Pleasure, as to their Settlement; then surely they have not given you private Instructions not to submit? And if they have not, you cannot answer your Refusal to your Principals, nor to the King, nor to Mankind. Have not

your

your Magistrates caused a new Clause to be added to the usual Oath taken by the Assistants, *viz.* That if *contrary Orders arrive from England*, that Oath shall not oblige them to serve as Assistants until the Year be expired? Shall then their Agents protest against such Orders?

Such as these have been the Reasonings of wise Men in *London*. Moreover, the Government in *New-England* Petitioned the King to assist them with Frigats, and Supplies of Arms and Ammunition; which was, in effect, to pray for a Governour. They could not be so weak, to think the King would send the one without the other.

When I wrote to this purpose to a principal Person in Government there; the Answer returned to me, was, That I, and other Persons that were employed as Agents for that Colony, ought to look on it as the principal thing committed to our Care and Trust; and that, *preferrable to all other things whatsoever*, To endeavour the obtaining Assistance from their Majesties, against the *French*, and other Enemies; and that this was the sence of the generality of the sober People in *New-England*. So that if these two came in Competition, either to have the Old Charter just as it was, or to get Assistance from *England*; we were told we should be Unfaithful to our Trust, if we did not preferr the latter to the former.

Yet further: The Countrey was so impoverished by the Wars made upon them, as that they could not send a competent Supply to their Agents for the management of their Affair.

Besides what was sent to me out of *New-England*, I expended upwards of Two Hundred Pounds of my own Personal Estate, out of Love to that People. And I did, for their sakes, borrow of a Merchant in *London* above Three Hundred Pounds more, which was Two Years before care was taken for the Repayment of it.

The last Year, some who were hearty Well-wishers to *New-England*, wrote thither, That they must consider, their Life, their Religion, the Welfare of their Posterity for ever, depended on a suitable Supply for their Agents that were concerned in Transacting their great Affairs at Court. This, notwithstanding, for more than a Twelvemonth, not one Penny was returned: So that I was necessitated, either to suffer Ruine to come upon the

Countrey where I had spent the greatest part of my Life, or else must borrow Money again to serve them: Which I did, and Engaged all the Estate I have in the World for the Repayment thereof: This is more than ever any man did before me, and perhaps more than any Person so Circumstanced as I have bin, will do after me.

And what was I able to do more? I do humbly affirm, That there is not a man in this World, that has done more, nor so much, towards the obtaining of a full Restitution of all Charter-Priviledges to *New-England*, as I have done. And as to the undesirable Minutes in the New Charter, there is no Person living that has manifested his dissent therefrom, or more opposed, or done more to prevent them, than I have: But to reject all the Good therein, because of some things inconvenient, is that which I dared not to be guilty of. As Day and Night have seen it, so I can, and I do appeal to Heaven and Earth, that I have served that People with all Fidelity to the very utmost of my Power.

And now they must give me leave to give them the best Advice I can. I shall not need (for they will do it of themselves) to perswade them to send an Address of Humble Thanks to their Majesties, for their Royal Favour in Restoring Property, and in Conferring greater Priviledges on *New-England*, than have bin granted to any other *English* Plantation. And for that their Majesties have been graciously pleased to put the present Government of *New-England* into good hands. The Person Nominated for Governour (Sir *William Phipps*) is one that has ventured his Life to serve his Countrey. When *Gideon* dy'd, the Children of *Israel* were desirous that he should Rule over them: The Deputy-Governour, Mr. *Stoughton*, is one whose worth is known in both *Englands*. One of more than ordinary Accomplishments, both as to parts Natural and Acquired, and as to Vertue and Integrity. And as for the Twenty Eight Assistants, who are appointed to be of the Governours Council, every man of them is a Friend to *New-England*, and to the Churches and Interest of Christ therein. To be in the hands of such Rulers is an invaluable Mercy.

As for me, whom the Lord Jesus has made use of as an Instrument in his Hand, for obtaining this Mercy for *New-England*; I desire no Acknowledgment, nor any Reward in the least, for the Difficult and Expensive Service I have for their sakes gone through. Let me wait for my Recompense till the Resurrection of the Just. But if that People be not thankful to God, and to the King and Queen, for what has been done for them; not only the King and Queen, but the Majesty of Heaven, may justly be incensed against them. To be thankful for what is given, is the way to receive more from God and Men.

But let me Propose,

1. That the *General Court* do, without delay, agree upon a Body of Good Laws. They may make such Laws for the Settlement of the Militia, and for the securing of Liberty to the Subject, as shall be better than their Old Charter. And as to what concerns the Upholding of Religion in that Countrey, there are especially Two things which may be done. The one is, By Laws to Encourage an Able and Faithful Ministry. The other, is, To take care that the *Colledge* be Confirmed in such Hands, as will make it their Concern to Promote and Propagate Vertue and Learning. It was in a special manner with respect thereunto, that I did undertake a Voyage for *England* above Three Years and an half since. As long as that Countrey lay unsettled, as to the Civil Government, I could not do much for the Colledge; only I prevailed with a Gentleman of my Acquaintance, to bequeath a Legacy of Five Hundred Pounds to that Society. And now, in this *New-Charter*, all Donations or Revenues granted to that Academy, are by the King, under the Great Seal of *England*, Confirmed. I humbly proposed to some great Ministers of State, That a particular Charter might be granted for the Incorporating that School for Academical Learning. Answer was made, That it should be so, if I desired it: But that a better way would be, for the *General Court* of the *Massachusets Colony*, by a Law, to Incorporate their Colledge; and to make it an University, with as ample Priviledges as they should think necessary; and then transmit that *Act of the General Court* to *England*, for the Royal Approbation; which would undoubtedly

doubtedly be obtained. I look upon this Particular alone, to be well worth my going to *England*, and there ſerving half an Apprenticeſhip; for that no ſmall Concernment of Religion, and the Happineſs of future Generations, are comprehended in this Matter reſpecting the Colledge.

I take it to be good Advice, That Judges, Sheriffs, Juſtices of the Peace, ſhould be Eſtabliſhed throughout the Province, of ſuch as are Men fearing God; and that their Commiſſions continue, *Quam diu ſe bene geſſerint.*

However it ſhall be, whether my Counſels be followed or not, or whether my ſincere Intentions, and unwearied Endeavours to ſerve *New-England*, find Acceptance with them or no, I have this to comfort my ſelf with, That God has been ſo gracious to me, as to make me inſtrumental in obtaining for my Country a *MAGNA CHARTA*, whereby Religion, and Engliſh Liberties, with ſome peculiar Privileges, Liberties, and all Meſs of Property, are Confirmed and Secured (Allowance being given for the Inſtability of all Humane Affairs) to Them and their Poſterity for ever more.

LONDON, Novemb. 16. 1691.

INCREASE MATHER.

AN

AN EXTRACT of a LETTER (WRITTEN By ſome of the moſt Eminent *Nonconformiſt Divines* in *London*,) Concerning the NEW CHARTER Granted to the Colony of *Maſſachuſets* in *NEW-ENGLAND*.

To the much Honoured *General Court* Aſſembled at *Boſton*, in *New-England*.

Much Honoured Gentlemen,

WE *muſt give this true Teſtimony of our much Eſteemed and Beloved Brother*, Mr. Increaſe Mather, *That with inviolate Integrity, excellent Prudence, and unfainting Diligence, he has managed the great Buſineſs committed to his Truſt. As he is inſtructed in the School of Heaven, to miniſter in the Affairs of the Soul; ſo he is furniſht with a Talent, to tranſact Affairs of State. His Proceedings have been with that Caution and Circumſpection, as is correſpondent to the weight of his Commiſſion. He with Courage and Conſtancy has purſued the Noble Scope of his Employment; and underſtanding the true Moment of things, has preferred the Publick Good to the vain Conceits of ſome, that more might have been obtained, if peremptorily inſiſted on. Conſidering the open Oppoſition, and ſecret Arts, that have*

been

been used to frustrate the best Endeavours for the Interest of New-England, *the happy Issue of things is superiour to our Expectations. Your present* Charter *secures Liberty and Property, the fairest Flowers of the Civil State: And which is incomparably more valuable, it secures the enjoyment of the blessed Gospel in its Purity and Freedom. Although there is a restraint of your Power in some things that were granted in your former Charter; yet there are some ample Priviledges in other things, that may be of perpetual Advantage to the Colony.*

We doubt not but your faithful Agent *will receive a gracious Reward Above; and we hope his successful Service will be welcom'd with your entire Approbation, and grateful Acceptance.*

We are,

LONDON,
Octob. 17.
1691.

Your very Humble,

And Faithful Servants,

William Bates,
Thomas Woodcock,
Matthew Mead,
Matthew Barker,
Richard Stretton,
Vincent Alsop,
John Howe,
John James,
Samuel Annesly,
George Griffith,
Richard Mayo,
Isaac Chauncey,
John Quick.

THE END.